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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,947	04/15/2004	Ralph E. Wesinger JR.	NES-014COQ	8226
28661 7590 12/20/2006 SIERRA PATENT GROUP, LTD. 1657 Hwy 395, Suite 202 Minden, NV 89423			EXAMINER MAHMOUDI, HASSAN	
			ART UNIT 2165	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/825,947	WESINGER ET AL.	
	Examiner	Art Unit	
	Tony Mahmoudi	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Office Action for Details</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Priority***

1. The instant application claims benefit of the filing date to the U.S. Application 10/703/823, filed on 07-November-2003, which is a continuation of U.S. Application 09/952,985, filed on 14-September-2001, which is a continuation of U.S. Application 09/110,708, filed on 07-July-1998, which is a continuation of U.S. Application 08/572,543, filed on 14-December-1995. Accordingly, the filing date of the U.S. Application 08/572,543 (14-December-1995) is considered the effective filing date for the examination of the instant application.

Information Disclosure Statements

2. The following IDS submissions have been considered by the Examiner in this Office Action (copies attached):

IDS Submission Date	# of pages
06-November-2006	5
26-October-2006	5
26-October-2006	4
09-February-2006	1
18-August-2005	1
15-March-2005	2

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Independent claims 1, 9, and 17 of the instant application are ***provisionally*** rejected under the judicially created doctrine of double patenting over claims 1, 8, and 15 of copending Application No. 11/381,222 (Wesinger, JR. et al., U.S. Publication No. 2006/0190444 A1.)

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Claims 1, 8, and 15 of Patent Application No. 11/381,222 (Wesinger, JR. et al., U.S. Publication No. 2006/0190444 A1) contains every element of claims 1, 9, and 17 of the instant application and as such anticipates claims 1, 9, and 17 of the instant application.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bernstein et al. (U.S. Patent No. 5,297,249, hereinafter referred to as **Bernstein.**)

As to Claim 1, **Bernstein** teaches a method (see Abstract) for displaying search results (see column 28, lines 34-39) comprising:

providing a web-accessible database containing content searchable by a networked user (see “network” in column 7, lines 25-42, and see column 10, lines 27-31), said database including a plurality of search functions available to the user (see column 29, lines 21-34);

producing a set of results responsive to one of said search functions being invoked by the user (see column 27, line 66 through column 28, line 18); and

displaying said results to the user arranged in categories responsive to said invoked search function (see column 28, lines 34-39.)

As to Claims 2, 10, and 18, **Bernstein** teaches further comprising the step of displaying categories similar to the keyword used for the search (see column 23, lines 44-50, where “similar” is read on “relevant”).)

As to Claims 3, 11, and 19, **Bernstein** teaches wherein a database search routine is invoked corresponding to the particular search function chosen by the user (see column 7, lines 53-64.)

As to Claims 4, 12, and 20, **Bernstein** teaches wherein said search function comprises a search by example (see column 14, lines 20-46.)

As to Claims 5, 13, and 21, **Bernstein** teaches wherein said search function comprises a search by keyword (see column 1, lines 24-29, and see column 10, lines 27-51.)

As to Claims 6, 14, and 22, **Bernstein** teaches wherein said search function comprises a search by category (see “four search criteria” in column 28, line 50 through column 29, line 4.)

As to Claims 7, 15, and 23, **Bernstein** teaches further including the act of displaying non-textual information associated with said results (see column 8, line 47 through column 9, line 28, where “non-textual” is read on “motion video” and “graphical images”; also, see figure 3.)

As to Claims 8, 16, and 24, **Bernstein** teaches wherein said non-textual information includes graphics (see figures 3, and figures 7-15.)

As to Claim 9, **Bernstein** teaches an apparatus for displaying search results (see Abstract, and see figures 7-8) comprising:

a networked computer (see column 7, lines 25-31) hosting a web-accessible database containing content searchable by a networked user (see “network” in column 7, lines 25-42, and see column 10, lines 27-31), said computer configured to:

provide a plurality of search functions to the user (see column 29, lines 21-34);

produce a set of results responsive to one of said search functions being invoked by the user (see column 27, line 66 through column 28, line 18); and

display said results to the user arranged in categories responsive to said invoked search function (see column 28, lines 34-39.)

As to Claim 17, **Bernstein** teaches apparatus for displaying search results (see Abstract, and see figures 7-8) comprising:

means for providing web-accessible database containing content searchable by a networked user (see “network” in column 7, lines 25-42, and see column 10, lines 27-31);

means for providing a plurality of search functions to the user (see column 29, lines 21-34);

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means for produce a set of results responsive to one of said search functions being invoked by the user (see column 27, line 66 through column 28, line 18); and

means for display said results to the user arranged in categories responsive to said invoked search function (see column 28, lines 34-39.)

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to methods and systems of searching databases and displaying search results in general:

Patent/Pub. No.	Issued to	Cited for teaching
US 6,094,649	Bowen et al.	Keyword searches in structured databases.
US 6,567,812 B1	Garrecht et al.	Query results management in hierarchical data structures.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

November 30, 2006



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